IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	Jennifer Jie Fu	Patent Application	
Application No.:	10/644,948	Group Art Unit:	2179
Filed:	August 19, 2003	Examiner:	Tran, TuyetLien T.

For: ARRANGEMENTS AND METHODS FOR VISUALLY INDICATING NETWORK ELEMENT PROPERTIES OF A COMMUNICATION NETWORK

APPEAL BRIEF

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I. Real Party in Interest

The assignee of the present application is Hewlett-Packard Development Company, L.P.

II. Related Appeals and Interferences

None. There are no related appeals or interferences known to the Appellant.

III. Status of Claims

Claims 1-25 are pending. Claims 1-25 are rejected. This Appeal involves Claims 1-25.

IV. Status of Amendments

An amendment subsequent the Final Office Action mailed September 4, 2008, has been filed in the instant application. The amendment has not yet been acted on by the Examiner. Appellant respectfully notes that the claim amendments were made to present the rejected claims in better form for consideration on appeal.

V. Summary of Claimed Subject Matter

Independent Claims 1 and 13 of the instant application pertain to embodiments associated with arrangements and methods for visually indicating network element properties of a communication network.

As recited in Claim 1, "[a] method for enabling a user to configure a communication network in a graphical user interface (GUI) display" is described. This embodiment is depicted at least in FIG. 3 and FIG. 4. "Fig. 3 is a flowchart illustrating the steps employed to configure a network element in accordance with one embodiment of the present invention. In step 302, the operator selects a network element icon to configure the associated network element." (page 9, paragraph 37). "In step 304, the operator selects properties to be associated with the network element whose network element icon was selected in step 302. Multiple properties may be selected if desired." (page 9, paragraph 38). "In step 306, the operator may optionally designate which of the properties selected in step 304 would be visually indicated in the integrated GUI view." (page 9-10, paragraph 39). "In step 308, the operator may optionally select the visual indicator to be associated with the chosen properties." (page 10, paragraph 40). "Fig. 4 is a flowchart illustrating, in accordance with one embodiment of the present invention, the steps taken when rendering a network element icon with associated property visual indicator(s). In step 402, the network element icon is displayed." "In step 404, a database is consulted to ascertain the set of properties selected for the network element icon displayed in step 402, and if there is one or more properties selected in the set, whether those selected properties should be displayed in the form of property visual indicators in the integrated GUI view. In step 406, the property visual indicators associated with the properties that have been selected and designated to be displayed are rendered in the integrated GUI view." (page 10, paragraph 41).

As recited in Claim 13, "[a] method for enabling a user to configure a communication network in a graphical user interface (GUI) display" is described. This embodiment is depicted at least in FIG. 3 and FIG. 4. "Fig. 3 is a flowchart illustrating the steps employed to configure a network element in accordance with one embodiment of the present invention. In step 302, the operator selects a network element icon to configure the associated network element." (page 9, paragraph 37). "In step 304, the operator selects properties to be associated with the network element whose network element icon was selected in step 302. Multiple properties may be selected if desired." (page 9, paragraph 38). "In step 306, the operator may optionally designate which of the properties selected in step 304 would be visually indicated in the integrated GUI view." (page 9-10, paragraph 39). "In step 308, the operator may optionally select the visual indicator to be associated with the chosen properties." (page 10, paragraph 40). "Fig. 4 is a flowchart illustrating, in accordance with one embodiment of the present invention, the steps taken when rendering a network element icon with associated property visual indicator(s). In step 402, the network element icon is displayed." "In step 404, a database is consulted to ascertain the set of properties selected for the network element icon displayed in step 402, and if there is one or more properties selected in the set, whether those selected properties should be displayed in the form of property visual indicators in the integrated GUI view. In step 406, the property visual indicators associated with the properties that have been selected and designated to be displayed are rendered in the integrated GUI view." (page 10, paragraph 41).

VI. Grounds of Rejection to Be Reviewed on Appeal

1. Claims 1-25 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent Application Publication No. 2002/0052941 to Patterson (hereinafter Patterson).

VII. Argument

1. Whether Claims 1-25 are unpatentable under 35 U.S.C. §102(b) as being anticipated by Patterson.

According to the Final Office Action mailed September 4, 2008 (hereinafter "instant Office Action"), Claims 1-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Patterson. Appellant has reviewed Patterson and respectfully submit that the claimed embodiments are not anticipated by Patterson, for at least the following rationale.

Appellant respectfully points out that Claim 1 recites (Claim 13 includes similar features),

> A method for enabling a user to configure a communication network in a graphical user interface (GUI) display, comprising:
>
> configuring at least a portion of said communication network in said GUI display, including configuring a plurality of network element icons representing a plurality of network elements and logical connections among said plurality of network elements, including:
>
> selecting a first network element icon of said plurality of network element icons for configuring a first network element of said plurality of network elements, said first network element represented by said first network element icon,
>
> ascertaining a first set of properties associated with said first network element, said first set of properties being displayed in said GUI display and representing properties available for said first network element in said communication network,
>
> associating a subset of said first set of properties with said first network element icon, thereby causing said subset of said first set of properties to also be associated with said first network element, said associating a subset of said first set of properties performed by said user, and
>
> displaying at least one visual indicator in said GUI display, said at least one visual indicator being displayed in a visually connected manner with said first network element icon, said at least one visual indicator visually indicating in said GUI display that said subset of said first set of properties is being associated with said first network element in said communication network.

MPEP §2131 provides:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be

> shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

It is respectfully submitted that Patterson fails to disclose "selecting a first network element icon of said plurality of network element icons for configuring a first network element of said plurality of network elements," "associating a subset of said first set of properties with said first network element icon, thereby causing said subset of said first set of properties to also be associated with said first network element, said associating a subset of said first set of properties performed by said user" and "displaying at least one visual indicator in said GUI display, said at least one visual indicator being displayed in a visually connected manner with said first network element icon, said at least one visual indicator visually indicating in said GUI display that said subset of said first set of properties is being associated with said first network element in said communication network." (emphasis added, Appellant's Claim 1).

Appellant understand Patterson to disclose "[w]orkspace 312 also includes a Node Status Display that uses colors to indicate the status of the nodes based on monitoring information." (Patterson, paragraph 195; see also Fig. 3A). Appellant respectfully submits that "a Node Status Display that uses colors," as disclosed by Patterson is not "configuring a first network element" and "at least one visual indicator visually indicating in said GUI display that said subset of said first set of properties is being associated with said first network element in said communication network" as disclosed in Appellant's Claim 1.

Additionally, Appellant understands Patterson to disclose,

> "In another aspect, the invention provides a method of defining and deploying a networked computer system that features a graphical user interface. In the GUI, a palette of one or more graphical icons that represent logical

> elements of the networked computer system is displayed. One or more of the graphical icons are selected. The selected icons are graphically interconnected. A graphical representation of a logical configuration of the networked computer system is created and stored based on the selection and interconnection."

(emphasis added; Patterson, paragraph 24). Appellant respectfully submits that "logical elements of the networked computer system is displayed" as disclosed by Patterson is not "associating a subset of said first set of properties with said first network element icon, thereby causing said subset of said first set of properties to also be associated with said first network element" and "at least one visual indicator visually indicating in said GUI display that said subset of said first set of properties is being associated with said first network element in said communication network" as disclosed in Appellant's Claim 1.

Claim 13 also recites "selecting a first network element icon of said plurality of network element icons for configuring a first network element of said plurality of network elements," "associating a subset of said first set of properties with said first network element icon, thereby causing said subset of said first set of properties to also be associated with said first network element, said associating a subset of said first set of properties performed by said user" and "displaying at least one visual indicator in said GUI display, said at least one visual indicator being displayed in a visually connected manner with said first network element icon, said at least one visual indicator visually indicating in said GUI display that said subset of said first set of properties is being associated with said first network element in said communication network." It is submitted that Patterson fails to anticipate claim 13 at least for the reasons discussed in connection with Claim 1.

Appellant respectfully asserts that Patterson does not anticipate the claimed embodiments of the present invention as recited in independent Claims 1 and 13, that these Claims overcome the rejection under 35 U.S.C. § 102(b), and that these claims are thus in a

condition for allowance. Therefore, Applicant respectfully submits that Patterson also does not anticipate the additional claimed features of the present invention as recited in Claims 2-12 that depend from independent Claim 1 and Claims 14-25 that depend from independent Claim 13. Therefore, Appellant respectfully submits that Claims 2-12 and 14-25 also overcome the rejection under 35 U.S.C. § 102(b), and are in a condition for allowance as being dependent on an allowable base claim.

Conclusion

Appellant believe that pending Claims 1-25 are not anticipated by the asserted art. As such, Appellant respectfully requests that the rejections of Claims 1-25 be reversed.

The Appellant wishes to encourage the Examiner or a member of the Board of Patent Appeals to telephone the Appellant's undersigned representative if it is felt that a telephone conference could expedite prosecution.

Respectfully submitted,
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VIII. Appendix - Clean Copy of Claims on Appeal

1. A method for enabling a user to configure a communication network in a graphical user interface (GUI) display, comprising:

configuring at least a portion of said communication network in said GUI display, including configuring a plurality of network element icons representing a plurality of network elements and logical connections among said plurality of network elements, including:

selecting a first network element icon of said plurality of network element icons for configuring a first network element of said plurality of network elements, said first network element represented by said first network element icon,

ascertaining a first set of properties associated with said first network element, said first set of properties being displayed in said GUI display and representing properties available for said first network element in said communication network,

associating a subset of said first set of properties with said first network element icon, thereby causing said subset of said first set of properties to also be associated with said first network element, said associating a subset of said first set of properties performed by said user, and

displaying at least one visual indicator in said GUI display, said at least one visual indicator being displayed in a visually connected manner with said first network element icon, said at least one visual indicator visually indicating in said GUI display that said subset of said first set of properties is being associated with said first network element in said communication network.

2. The method of claim 1 wherein said at least one visual indicator includes a visual icon other than said first network element icon.

3. The method of claim 1 wherein said at least one visual indicator includes a different color for said first network element icon said. different color being different from a default color that exists if said first set of properties is not associated with said first network element in said communication network.

4. The method of claim 1 wherein said at least one visual indicator includes a different shading for said first network element icon, said different shading being different from a default shading that exists if said first set of properties is not associated with said first network element in said communication network..

5. The method of claim 1 wherein said at least one visual indicator includes a different background color for said first network element icon, said different background color being different from a default background color that exists if said first set of properties is not associated with said first network element in said communication network.

6. The method of claim 1 wherein said at least one visual indicator includes textual information pertaining to said first network element icon, said textual information being different from textual information, if any, that exists if said first set of properties is not associated with said first network element in said communication network.

7. The method of claim 1 wherein said at least one visual indicator includes a different texture for said first network element icon, said texture being different from a default texture that exists if said first set of properties is not associated with said first network element in said communication network.

8. The method of claim 1 wherein said at least one visual indicator represents a different shape for said first network element icon, said different shape being different from a default shape that is displayed if said first set of properties is not associated with said first network element in said communication network.

9. The method of claim 1 wherein said at least one visual indicator represents a different size for said first network element icon, said different size being different from a default size that is displayed if said first set of properties is not associated with said first network element in said communication network.

10. The method of claim 1 wherein said first network element is one of a server, a subnet, a firewall, a VPN and a load balancer.

11. The method of claim 1 wherein said configuring said plurality of network element icons further including

selecting a second network element icon of said plurality of network element icons for configuring a second network element of said plurality of network elements, said second network element represented by said second network element icon,

ascertaining a second set of properties associated with said second network element, said second set of properties being displayed in said GUI display and representing properties available for said second network element in said communication network,

associating a subset of said second set of properties with said second network element icon, , thereby causing said subset of said second set of properties to also be

associated with said second network element, said associating said subset of said second set of properties performed by said user, and

displaying at least another visual indicator in said GUI display, said at least another visual indicator being displayed in a visually connected manner with said second network element icon, said at least another visual indicator visually indicating in said GUI display that said subset of said second set of properties being is associated with said second network element in said communication network.

12. The method of claim 1 wherein said communication network represents a logical network constructed from a common pool of network elements.

13. A method for displaying enabling a user to configure a communication network in a graphical user interface (GUI) display, comprising:

selecting a first network element icon of a plurality of network element icons for configuring a first network element of said plurality of network elements, said first network element represented by said first network element icon,

ascertaining a first set of properties associated with said first network element, said first set of properties being displayed in said GUI display and representing properties available for said first network element in said communication network,

associating a subset of said first set of properties with said first network element icon, , thereby causing said subset of said first set of properties to also be associated with said first network element, said associating a subset of said first set of properties performed by said user,

displaying at least one visual indicator in said GUI display, said at least one visual indicator being displayed in a visually connected manner with said first network

element icon, said at least one visual indicator visually indicating in said GUI display that said subset of said first set of properties being associated with said first network element in said communication network,

selecting a second network element icon of said plurality of network element icons for configuring a second network element of said plurality of network elements, said second network element represented by said second network element icon, ascertaining a second set of properties associated with said second network element, said second set of properties being displayed in said GUI display and representing properties available for said second network element in said communication network,

associating a subset of said second set of properties with said second network element icon, thereby causing said subset of said second set of properties to also be associated with said second network element, said associating said subset of said second set of properties performed by said user, and

displaying at least another visual indicator in said GUI display, said at least another visual indicator being displayed in a visually connected manner with said second network element icon, said at least another visual indicator visually indicating in said GUI display that said subset of said second set of properties being associated with said second network element in said communication network, said at least another visual indicator being displayed simultaneously with said at least one visual indicator in said GUI display.

14. The method of claim 13 wherein said at least one visual indicator includes a visual icon other than said first network element icon.

15. The method of claim 13 wherein said visually indicating that said first set of properties is associated with said first network element and said visually indicating said second set of properties is associated with said second network element in said communication network occur in the same window of said GUI display.

16. The method of claim 15 wherein said at least one visual indicator includes a visual icon other than said first network element icon.

17. The method of claim 15 wherein said at least one visual indicator includes a different color for said first network element icon. said different color being different from a default color that exists if said first set of properties is not associated with said first network element in said communication network.

18. The method of claim 15 wherein said at least one visual indicator includes a different shading for said first network element icon, said different shading being different from a default shading that exists if said first set of properties is not associated with said first network element in said communication network..

19. The method of claim 15 wherein said at least one visual indicator includes a different background color for said first network element icon, said different background color being different from a default background color that exists if said first set of properties is not associated with said first network element in said communication network.

20. The method of claim 15 wherein said at least one visual indicator includes textual information pertaining to said first network element icon, said textual information being

different from textual information, if any, that exists if said first set of properties is not associated with said first network element in said communication network.

21. The method of claim 15 wherein said at least one visual indicator includes a different texture for said first network element icon, said texture being different from a default texture that exists if said first set of properties is not associated with said first network element in said communication network.

22. The method of claim 15 wherein said at least one visual indicator represents a different shape for said first network element icon, said different shape being different from a default shape that is displayed if said first set of properties is not associated with said first network element in said communication network.

23. The method of claim 15 wherein said at least one visual indicator represents a different size for said first network element icon, said different size being different from a default size that is displayed if said first set of properties is not associated with said first network element in said communication network.

24. The method of claim 15 wherein each of said first network element and said second network element is one of a server, a subnet, a firewall, a VPN and a load balancer.

25. The method of claim 24 wherein said communication network represents a logical network constructed from a common pool of network elements.

IX. Evidence Appendix

None. No evidence is herein appended.

X. Related Proceedings Appendix

None. No related proceedings are herein appended.